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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,334

03/17/2004

Nicholas W. Oakley

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EXAMINER

PESIN, BORIS M

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

06/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/803,334	<b>Applicant(s)</b> OAKLEY ET AL.	
	<b>Examiner</b> BORIS PESIN	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-31, 33-35, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-31, 33-35, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to the amendment filed 04/02/2009

Claims 28-31, 33-35 and 37-38 are pending in this application. Claims 28, 33, 37 and 38 are independent claims. In the amendment filed 04/02/2009, claims 28, 33, 34, 35, and 38 were amended. This action is made Non-Final.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/02/2009 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-35 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Beaton (US 6037937).

In regards to claim 33, Beaton teaches a method, comprising:

sensing external pressure on a perimeter of a display of a computer system (See Figures 10A-10C, Figure 12, the first section is the touch panel/display, the second section is the internal hardware);

translating the external pressure to a mouse clicking action associated with a corresponding perimeter side display of the computer system (See Figures 10A-10C, Figure 12, the perimeter of the first section is the touch panel and when the user presses on the touch panel the contact point acts as a clicking action).

In regards to claim 34, Beaton teaches the method of 33, wherein the external pressure is applied towards a movement sensor (See Figure 11A).

In regards to claim 35, Beaton teaches the method of 33, wherein the external pressure may be applied at the perimeter of the computer system. (See Figure 10A)

Claim 38 is similar in scope to claim 33; therefore it is rejected under similar rationale.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 28-31 and 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bort (US 7305631) in view of Beaton et al. (US 6037937).

In regards to claim 28, Bort teaches a method, comprising: sensing a directional movement of a computer system on a surface via a first movement sensor (See Abstract); and adjusting information displayed on a display of the computer system, wherein the information displayed is independent from the surface, and the adjusting is correlated to the directional movement of the computer system (See Abstract).

Bort does not specifically teach sensing external pressure on a perimeter of the computer system toward a movement sensor of the computer system, wherein the display of the computer system substantially overlaps the movement sensor of the computer system; and translating the external pressure on the perimeter of the computer system to a mouse click action associated with a corresponding perimeter side of the computer system.

Beaton sensing external pressure on a perimeter of the computer system toward a movement sensor of the computer system, wherein the display of the computer system substantially overlaps the movement sensor of the computer system (See Figures 10A-10C, Figure 12, the first section is the touch panel/display, the second section is the internal hardware (movement sensor)); and translating the external pressure on the perimeter of the computer system to a mouse click action associated

with a corresponding perimeter side of the computer system (See Figures 10A-10C, Figure 12, the perimeter of the first section is the touch panel and when the user presses on the touch panel the contact point acts as a clicking action).

It would have been obvious at the time of the invention to modify Bort with the teachings of Beaton and include a touchscreen with the motivation to provide the user with a quicker method of selection.

In regards to claim 29, Bort teaches the method of claim 28, wherein the first movement sensor is an optical sensor or a mechanical sensor (See Figure 5a).

In regards to claim 30, Bort teaches the method of claim 28, wherein the directional movement comprises angular rotation of the computer system sensed by the first movement sensor and a second movement sensor (See Figure 9).

In regards to claim 31, Bort teaches the method of claim 28, further comprising: correlating the directional movement of the computer system to a cursor movement on the display of the computer system (See Figure 8C).

Claim 37 is similar in scope to claim 28; therefore it is rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments filed 4/02/2009 have been fully considered but they are not persuasive.

In regards to Applicant's arguments Beaton do not teach "sensing external pressure on a perimeter of the display", the Examiner respectfully disagrees. As the Applicant correctly explained in the response, in Beaton the pressure is applied to the

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touch screen. A touch screen is part of the perimeter of the display. A perimeter is not only limited to the left and right sides, but the perimeter of the display encompasses all areas of the computing system including the top and the bottom. Thus, clearly the touch screen itself is part of the parameter of the display of the computer system and Beaton teaches the Applicant's claimed limitations.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORIS PESIN whose telephone number is (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571)272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boris Pesin/  
Primary Examiner, Art Unit 2174